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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 1224/1997**

SARABJIT KAUR

..... Plaintiff

Through: Mr. Vinod Dubey, Adv. for LR's of
plaintiff (Through VC)

versus

JASMIT SINGH & ORS.

..... Defendants

Through: Mr. Abhishek Rawat, Adv. for LR's of
D6 to 10 (M: 7011714699)

CORAM:

DR. JAGMINDER SINGH (DHJS) JOINT REGISTRAR (JUDICIAL)

ORDER

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24.04.2024

I.A. No. 9508/2023

This is an application moved on behalf of the applicant / defendant no. 2 for return of original Will dated 07.01.1982.

Defendant no. 6 to 10 already raised no objection. Defendant no. 3 has already been deleted. Learned counsel for applicant stated that he is also representing defendant no. 1, LR's of defendant no. 3 & defendant no. 4. Learned counsel for defendant no. 5 also raised no objection.

Learned counsel for plaintiff sought time to file reply on previous date. No any reply has been filed. He is opposing the application on the ground that another probate case was filed on behalf of the applicant at a Civil Court in Varanasi, UP where probate has already been granted but same is under challenge on an application under Order IX Rule 13 filed by the plaintiff. Learned counsel further submitted that the applicant may



misuse the original Will if same is released to him.

I have considered the submissions. It is not disputed that the original Will dated 07.01.1982 was filed by the applicant in the present suit which has already been disposed on 21.01.2020. No any appeal etc. is pending here against order Dated 21.01.2020. It is also not disputed that the probate case at Varanasi was filed on the basis of certified copy of the Will which is required by the applicant. There is no any order from any Court of Law regarding the validity of the said Will or regarding any obstruction or restriction to use the said document. It is further submitted by learned counsel for applicant that he will produce the Will as and when required by any Court of Law in accordance with law.

In view of the facts and circumstances, it appears that the objections raised by the learned counsel for plaintiff are without any merit. The original Will, as requested by the learned counsel, be released to him on placing on record its certified copy in accordance with law.

Hence, the captioned IA accordingly stands allowed and disposed of.

Registry is directed to do the needful.

Copy of the order be given *dasti*, as requested.

DR. JAGMINDER SINGH (DHJS)
JOINT REGISTRAR (JUDICIAL)

APRIL 24, 2024/sms